

SCHOOLS (CONSULTATION) (SCOTLAND) ACT 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Call-in by the Scottish Ministers

Section 16 – Determination of case

56. [Section 16\(2\)](#) provides the Scottish Ministers with 3 options in relation to the proposal once they have called in the decision. After due consideration and investigation of the called-in closure proposal they may refuse to consent to the proposal, or give their consent, either subject to condition or unconditionally.
57. [Section 16\(3\)](#) prevents an authority from proceeding further with the proposal i.e. with the implementation of their decision until and unless the Scottish Ministers grant their consent. If conditions are attached, the authority may only proceed with implementation subject to the specified conditions (for example conditions might be imposed to ensure rectification of any failure discovered in the process).
58. When the Scottish Ministers have issued a call-in notice, section 17(3)(b) requires the authority again to provide such information as the Scottish Ministers may reasonably require for purposes of the Scottish Ministers deciding whether to consent to the proposal (i.e. to the authority's decision to implement the proposal).